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There is a conflict of authority upon this point, the following holding as above: *Means* v. *Swormstedt*, 32 Ind. 87 ; *Bingham* v. *Kendall*, 17 Ind. 396; *Railroad Co.* v. *Davis*, 20 Ind. 6 ; *Gaff* v. *Theis*, 33 Ind. 307 ; *Vater* v. *Lewis*, 36 Ind. 288. *Contra*, *Fiske* v. *Eldridge*, 12 Gray 474 ; *Hays* v. *Crutcher*, 54 Ind. 260 ; *Potts* v. *Henderson*, 2 Ind. 327.

NUISANCES—CROPS—LANDS IN ANOTHER STATE.—DUCKTOWN SULPHUR, &c. Co. v. BARNES, 60 S. W. Rep. 593 (Tenn.).—Where smoke from a smelter in Tennessee injured crops on land in Georgia, *held*, that the action for damages was personal, giving Tennessee jurisdiction.

This decision, supported by *Hobbs* v. *R. R. Co.*, 9 Heisk 873-880, shows a tendency to abolish the old rule laid down in *Roach* v. *Damron*, 2 Humph. 425 and *Sumner* v. *Finegan*, 15 Mass. 284, that not only actions asserting title or interest in land, but also those arising from nuisance done to real estate are local, and must be brought in the State where the injury is committed.

PAROL EVIDENCE—WRITTEN CONTRACT.—POTTER v. EASTON ET AL., 84 N. W. 1011.—Defendant executed three promissory notes to plaintiff, across the face of which was written "Secured by mortgage on 1 bay pacing stallion known as Tibbeas I." As part of the same transaction they executed a chattel mortgage to secure payment of the notes. Plaintiff brought suit on notes and the court admitted parol evidence by the defendants to show that the horse was unsound, thereby causing a breach of warranty which they claimed the defendant had given. Plaintiff appealed, claiming that an admission of such testimony was error. Court *held* no error.

The existence of any separate oral agreement as to any matter as to which a document is silent, and which is not inconsistent with its terms, if from the circumstances of the case the court infers that the parties did not intend the document to be a complete and final statement of the whole transaction between them, may be proved. *Durkin* v. *Cobleigh*, 156 Mass. 108. *Stevens' Digest Ev.*, Art. 90.

PHYSICIANS—STATUTORY PROVISIONS—CONSTITUTIONALITY.—STATE v. BAIR, 84 N. W. 532 (Iowa).—Code, Sec. 2579, requires as an alternative qualification to practice medicine in Iowa after Jan. 1, 1899, five consecutive years' practice in the State, three of which shall have been in one locality. *Held*, not repugnant to State Constitution forbidding a great privilege or immunities to any citizen.

The court relies on the adage, "A rolling stone gathers no moss," to support its contention that permanency of practice in one locality is a proper test of fitness for this profession. A similar statute in New Hampshire was declared unconstitutional in *State* v. *Pennoyer*, 65 N. H. 113, on ground that it was "an arbitrary discrimination."

RAILROADS—CROSSING ACCIDENT—INJURIES TO CATTLE—FAILURE TO GIVE SIGNALS.—GRAYBILL v. CHICAGO, M. & ST. P. RY. CO., 84 N. W. Rep. 946 (Iowa).—The failure to observe the statutory regulation requiring a locomotive approaching a crossing to ring its bell and sound its whistle is negligence which will warrant a recovery for cattle injured by the failure to do so.

In reaching this decision the court engages in a psychological discussion as to whether such signals are in fact a warning for animals other than man, and holds that such signals are in fact a protection to the lower animals. The de-